

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Norfolk Southern Railway Company,	)	
Petitioner	)	
	)	Docket No. _____
	)	
Petition for Variance from 92 Ill. Adm. Code	)	
Part 1500.270 of the Illinois Administrative	)	
Code	)	

**PETITION FOR VARIANCE**

Norfolk Southern Railway Company (hereinafter "NS"), by its attorneys, hereby petitions the Illinois Commerce Commission (hereinafter "Commission") for a variance from certain requirements of the Illinois Administrative Code (hereinafter "Code"), specifically 92 Ill. Adm. Code Part 1500.270. In support of its Petition for Variance, NS states as follows:

1. NS is currently making track changes as part of the CREATE Program Project WA3 (i.e. NS Ashland Avenue Yard infrastructure improvement) Segment E. The track work associated with Segment E primarily involves constructing an additional track between Racine Avenue and Western Avenue in Chicago, Illinois.
2. The last remaining segment of this work is the installation of a new track (hereinafter "CJ#2 track") and the subsequent and necessary alignment of the CJ#2 track.
3. NS expects to complete the connection of the new CJ#2 track to NS's existing mainline track during the month of November 2011.
4. In order for NS to operate on the CJ#2 track and be in compliance with applicable Commission Regulations on clearances (See 92 Ill. Adm. Code Part 1500.270), a single Commonwealth Edison (hereinafter "ComEd") pole must be relocated. The single ComEd pole at issue is located at NS milepost location 1.11-UW (approximately 500 feet west of S. Racine Avenue).

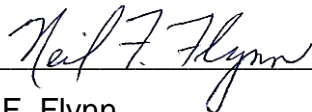
5. NS has previously communicated the circumstances set forth in this Petition for Variance to ComEd and the ICC Staff. NS has diligently attempted to have the ComEd pole relocation rescheduled for a date prior to November 2011. However, ComEd has informed NS and the ICC Staff that ComEd will not be able to begin the necessary pole line relocation until at least November 21, 2011.
6. Until ComEd removes the aforementioned pole, there will be 8 feet and 3 inches of clearance from the track centerline to the face of the pole. There is no sign or appurtenance attached to the pole between the top of rail elevation and 15 feet above the rail.
7. 92 Ill. Adm. Code Part 1500.270 provides as follows:

“The face of all telegraph, telephone, or other poles, whistle posts, mile posts, posts for signal bridges, whipcords, crossing gates, highway crossing bells, and all other signs, signals or devices not otherwise provided for in this Part, shall be not less than 9 feet from the centerline of adjacent tracks. No part of any sign or appurtenance attached to such poles or posts shall be less than 8 feet from the centerline of an adjacent track, between the top of rail and a point 15 feet above”. (emphasis added).
8. After the ComEd pole relocation is complete the clearance from the CJ#2 track centerline to the face of the pole will be 18 feet.
9. If the ICC does not grant NS this variance requested, then the only alternative would be to temporarily relocate the track away from the pole to achieve 9' 0" clearance. That track relocation however, would severely disturb the established lateral stability of the tracks, and it would interrupt the usage of the tracks on this critical NS corridor through the Chicago Terminal.
10. A Superintendent's Notice will be issued by NS's Chicago Office notifying train crews of the close clearance, and standard close clearance signs will be placed on each side of the pole, reading "Warning- close clearance". Employees are also prohibited from riding the side of cars at close clearance locations.

11. NS respectfully requests that the Commission afford this petition expedited consideration and render its final order at the earliest date possible prior to ComEd's relocation of the subject pole. NS further requests that the Commission grant this requested variance without a hearing.

WHEREFORE, and for the purposes and reasons set forth in this Petition, NS respectfully requests a variance from the clearance requirement of 92 Ill. Adm. Code Part 1500.270 until December 31, 2011 and for any such other relief as the Commission deems appropriate. NS further requests that the Commission afford this petition expedited consideration; that the Commission render its final order at the earliest date possible prior to ComEd's relocation of the subject pole; and that the Commission grant this requested variance without a hearing.

Respectfully submitted,

By: \_\_\_\_\_

Neil F. Flynn  
One of the Attorneys for  
Norfolk Southern Railway Company

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Neil F. Flynn & Associates, Attorneys at Law  
600 South Second Street, Suite 102  
Springfield, IL 62704  
(217) 544-0261  
Fax: (217) 544-0688  
nflynn@neilflynnlaw.com : dflynn@neilflynnlaw.com